

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff

DECISION and ORDER

-vs-

11-CR-6098

CHAD WILLIAMS

Defendant

This case was referred by order of the undersigned, entered May 24, 2011, ECF No. 3, to Magistrate Judge Jonathan W. Feldman, pursuant to 28 U.S.C. § 636(b)(1)(A)-(B). On October 11, 2011, Defendant filed an omnibus motion, ECF No. 20, seeking *inter alia* dismissal of the indictment because he was improperly indicted under the Sex Offender Registration and Notification Act ("SORNA"). Following the decision of the United States Supreme Court in *Reynolds v. United States*, __U.S.__, 132 S. Ct. 975 (2012), Defendant filed supplemental papers in support of his application to dismiss the indictment, ECF No. 32 and ECF No. 39. On September 4, 2012, Magistrate Judge Feldman filed a Report and Recommendation ("R&R"), ECF No. 64, recommending that Defendant's motion to dismiss the Indictment because he was not subject to SORNA's registration requirements until the Final Rule by the Attorney General became effective in January 2011 be denied. Additionally, in his R&R Judge Feldman recommended that dismissal of the indictment upon the alternative grounds urged by Defendant, including the *ex Post Facto* clause, the Tenth Amendment, the nondelegation doctrine, and the Commerce Clause, be denied as well. In his filing of September 12, 2012, ECF No. 65, Defendant

timely objected to the R&R, indicating as follows: “Mr. Williams now files this Objection to the R&R and requests that the Court reject the Magistrate Judge’s recommendation and dismiss the indictment.”

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a *de novo* determination of those portions of the R & R to which objections have been made. Upon a *de novo* review of the R & R, including a review of the April 13, 2012 hearing before Judge Feldman, the Court accepts the proposed findings and recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Feldman’s R&R, ECF No. 64, Defendant’s application, ECF No. 20, to dismiss the indictment because he was improperly indicted under SORNA is denied.

IT IS SO ORDERED.

Dated: Rochester, New York
October 31, 2012

ENTER:

/s/ Charles J. Siragusa

CHARLES J. SIRAGUSA
United States District Judge